

77-4550



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO

Ser 00/000137
2 April 1977

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MEMORANDUM FOR ALL FLAG OFFICERS

Subj: DoD Policy Prohibiting Recognition of and Bargaining
with Unions Purporting to Represent Military Members

1. The attached policy statement, issued by Secretary Rumsfeld and subsequently endorsed by Secretary Brown, prohibits recognition of, and bargaining with, any union organization which purports to represent members of the armed forces.
2. Please pass this guidance along to your commanders and commanding officers.

NAVY review completed.

J. L. Holloway III
J. L. HOLLOWAY III
Admiral, U.S. Navy
Chief of Naval Operations

NO REFERRAL TO OSD. WAIVER APPLIES

MORI/CDF Pages
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THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

20 DEC 1976

MEMORANDUM FOR Secretaries of the Military Departments

SUBJECT: Policy Regarding Negotiation and Bargaining in the Armed Forces

Unions and the labor movement have played an historic role in the economic and social development of our nation. Within the Department of Defense, there are labor agreements covering hundreds of thousands of civilian personnel. These people contribute to the operation of the Department. It does not follow, however, that the processes of negotiation and bargaining can or should be applied to U.S. military forces.

Members of the U.S. armed forces are prepared to fight -- and if necessary, to die -- to preserve our liberty and security. The key to effective operation of the uniformed services depends on proper functioning of the chain of command. Control, discipline, and prompt obedience to the lawful orders of one's superiors are the time-honored elements of our American military tradition. From the earliest Articles of War -- adopted as we fought for our freedom in the Revolution -- to the present Uniform Code of Military Justice (UCMJ) -- U.S. military laws and regulations have proscribed conduct that would undermine the chain of command.

Laws governing both the civilian and military communities make it clear that strikes, slowdowns, or similar job actions have no place in the armed forces. The UCMJ, for example, prohibits desertion, mutiny, or misbehavior before the enemy. A soldier may be punished for disrespect toward a superior officer or NCO. Likewise, failure to obey a lawful order or regulation may be punished under the Code. Similar laws apply criminal sanctions to certain actions by civilians which undermine military discipline or the chain of command.

The Department recognizes the importance of providing channels for service members to present problems to the chain of command. Such procedures currently include the Inspector General System and complaints under Article 138 of the UCMJ. The development by individual commanders of open door policies, enlisted and junior

officers councils, and similar programs attests to the flexibility of the chain of command in providing appropriate means for communicating complaints. There is no place in the chain of command, however, for organizations that would rely on bargaining and negotiation.

Members of the armed forces may join associations which promote programs for the benefit of their members, but the activities of such organizations have not and must not interfere with the lawful operation of the chain of command. To the extent that military facilities are involved, commanders have the power to regulate the time, place, and manner of the activity.

To date, the vast majority of such associations have functioned on the basis of a positive relationship with the DoD and the military services. The Department anticipates that the tenor of relations with these associations as well as with those associations that might be formed in the future will continue to be constructive.

The Department of Defense policy on this matter is as follows:

Negotiation and bargaining. No member of the armed forces, or civilian employee of the Department of Defense, may negotiate or bargain on behalf of the United States, with respect to terms and conditions of military service of members of the armed forces, with any individual, organization or association which represents or purports to represent members of the armed forces; nor may any member of the armed forces, or civilian employee of the Department of Defense, recognize any individual, organization or association for any such purpose.



CC: C/JCS

EXECUTIVE SECRETARIAT

Routing Slip

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Remarks:

Please let DCI know if we have received guidance of this kind before and what our policy is.

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Date

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Executive Secretary
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(Executive Secretary) Nay ()

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